

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Norfolk Division)**

THE FOX GROUP, INC.,

Plaintiff,

v.

Civil Action No. 2:10cv314-RBS/FBS

**CREE, INC. and DOW CORNING
CORPORATION,**

Defendants.

**MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR LEAVE TO FILE FINANCIAL
DISCLOSURE STATEMENT ON BEHALF OF CREE, INC.**

Cree, Inc. ("Cree") is a named defendant in the above referenced matter. On August 30, 2010 Cree filed its Answer in this case. It was the intent of Cree to file its Financial Disclosure Statement as soon as possible. The failure to file its Financial Disclosure Statement prior to filing of its Answer was the result of an oversight. No parties are prejudiced by the delay in filing Cree's Financial Disclosure Statement.

Accordingly, Cree respectfully request this Court to grant it permission to file its Financial Disclosure Statement.

DATED: September 1, 2010

Respectfully submitted,

/s/

Conrad M. Shumadine
VSB No. 4325
Counsel for Defendant and
Counterclaim-Plaintiff Cree, Inc.
Willcox & Savage, P.C.
440 Monticello Avenue, Suite 2200
Norfolk, VA 23510
Telephone: (757) 628-5500
Facsimile: (757) 628-5566
cshumadine@wilsav.com

Matthew Powers
David C. Radulescu
Weil, Gotshal & Manges LLP
767 Fifth Avenue
New York, New York 10153
Telephone: (212) 310-8906
Facsimile: (212) 310-8007
david.radulescu@weil.com
matthew.powers@weil.com

Lynne Borchers
Myers Bigel Sibley & Sajovec
4140 Parklake Avenue, Suite 600
Raleigh, North Carolina 27612
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
lborchers@myersbigel.com

**ATTORNEYS FOR DEFENDANT AND
COUNTERCLAIM-PLAINTIFF
CREE, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2010 I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to:

Stephen E. Noona
VSB No. 25367
Kaufman & Canoles, P.C.
150 West Main Street, Suite 2100
Norfolk, Virginia 23510
Telephone: (757) 624-3000
Facsimile: (757) 624-3169
senoona@kaufcan.com

Hayley S. Weimer
VSB No. 71541
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Ave., NW
Washington, DC 20001
Telephone: (202) 408-4000
Facsimile: (202) 408-4400
hayley.weimer@finnegan.com

Counsel for Plaintiff

Preston Burton
VSB No. 30221
Counsel for Defendant Dow Corning Corporation
Orrick, Herrington & Sutcliffe LLP
Columbia Center
1152 15th Street, N.W.
Washington, D.C. 20005-1706
Telephone: (202) 339-8400
Facsimile: (202) 339-8500
pburton@orrick.com

/s/

Conrad M. Shumadine
VSB No. 4325
Counsel for Defendant and
Counterclaim-Plaintiff Cree, Inc.
Willcox & Savage, P.C.
440 Monticello Avenue, Suite 2200
Norfolk, VA 23510
Telephone: (757) 628-5500
Facsimile: (757) 628-5566
cshumadine@wilsav.com